

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	No. 20-135
)	
vs.)	Filed Electronically
)	
MATTHEW MICHANOWICZ,)	
)	The Honorable Maureen Kelly
Defendant.)	United States Magistrate Judge

**DEFENDANT'S OPPOSITION TO GOVERNMENT'S MOTION FOR DETENTION
AND PROPOSAL FOR RELEASE**

AND NOW, comes the Defendant, Matthew Michanowicz, by and through his attorney, Kenneth J. Haber, Esquire and the law firm of Difenderfer, Rothman & Haber, and files this Response in Opposition to the Government's Motion for Detention, as follows:

1. Defendant is a 52-year-old man with no criminal convictions.
2. Defendant is a lifelong resident of Allegheny County, who was born and raised in Fox Chapel and graduated from Fox Chapel High School.
3. Defendant attended Wooster College and the University of Pittsburgh, earning over 130 credits.
4. Defendant has worked in the medical supply sales field for most of the last 20 years, selling neurological surgical equipment and instructing neurosurgeons as to their proper usage.
5. In recent years, Defendant developed an addiction to opiates. He was found in unlawful possession of heroin and sentenced to probation without verdict. His record was expunged.

6. The arrest was a wake-up call for Defendant. He voluntarily sought treatment, checked himself into an in-patient rehabilitation facility in Florida, and successfully completed the program.
7. Defendant's after-care program has consisted of daily AA meetings and a monthly shot of vivitrol. The shot removes all desire or cravings to ingest opiates or alcohol, and consumption of either results in illness. Defendant has remained opiate and alcohol free since his release from the rehabilitation center, for over 18 months.
8. The Covid-19 crisis has been a difficult time for virtually every American but it has been particularly difficult for Defendant. In the span of the last 18 months, Defendant went through a divorce with his wife of 17 years, lost his father who passed away in February of this year and ceased working in the medical supply business due to the stresses of the job.
9. Following Defendant's arrest in the instant case, he underwent a behavior clinic evaluation at the Allegheny County Jail. Although the report remains confidential and in the possession of the Pretrial service unit of the Allegheny County Court of Common Pleas, the conclusions and recommendations of release are known to the parties pursuant to information gathered by federal pretrial probation officer P. Spicuzza and shared in an email with all parties. The psychiatrist who conducted the evaluation found Mr. Michanowicz competent to stand trial, and made the following recommendations of release from jail:
 - a. Out-patient mental health treatment,
 - b. Out-patient drug and alcohol treatment,
 - c. Abstain from the use of drugs and alcohol, and

- d. No possession of or access to firearms.
10. Defendant accepts all of the conditions proposed by the Allegheny County mental health professional, and promises to abide by them. In addition, Defendant would agree to abide by additional conditions, including but not limited to the following:
- a. Attend daily AA meetings,
 - b. Receive a vivitrol shot once a month or as directed by a physician;
 - c. Reside at his mother's house, with his mother, Geraldine Michanowicz, in Fox Chapel, Allegheny County,
 - d. Electronic monitoring by federal pretrial services.
11. Defendant maintains that he is not a danger to the community nor is he a flight risk. To the extent this Court has concerns as to either of these factors, the conditions proposed above, that defendant agrees to fully abide by, would eliminate any risk however slight.

WHEREFORE, it is respectfully requested that this Court deny the government's motion for detention, and release Defendant from the Allegheny County Jail, with conditions.

Respectfully submitted,

/s/ Kenneth J. Haber
Kenneth J. Haber, Esquire
PA I.D. No. 65968

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Dated: July 13, 2020

Attorney for Defendant Matthew Michanowicz